

FTA's Proposed Environmental Justice Circular

FTA's New EJ Circular provides practical guidance on incorporating EJ principles into public transportation decisions.

- Provides an analytical framework for integrating EJ principles into all public transportation decision-making processes.
- Contains detailed discussion of public outreach strategies to consider when engaging members of EJ populations in transportation planning processes, decision-making processes, or environmental reviews.
- Includes advice on how to develop and gather meaningful demographic information about the community impacted by public transportation decisions.

Three Fundamental Steps for an EJ Analysis

First, determine whether there are any EJ populations potentially impacted by the activity.

Second, consider the potential effects of the activity on the EJ populations.

Third, determine whether any disproportionately high and adverse human health or environmental effects **can be avoided, minimized or mitigated**, and whether there are **off-setting benefits** from the activity.

FTA's New Circular Is Grounded In 3 Principles of EJ

- To avoid, minimize or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and/or low-income populations.
 - To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.
 - To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority populations and/or low-income populations.
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FTA's New EJ Circular provides guidance on deciding whether an EJ population in the affected area is **"meaningfully greater"** than the EJ population in the general population, and suggests that recipients use the CEQ guidance that minority populations will always be "meaningfully greater" when the percentage of minority populations exceeds 50 percent, regardless of the percentage of minority populations in the comparison geographic unit. This same threshold should also be applied to low-income populations.

For all other cases, the analysis of whether the minority and/or low-income population in the affected area is "meaningfully greater" will be determined on a case-by-case basis, based on the facts and circumstances of the activity, as well as the magnitude and extent of the effects of the activity.

The following factors should be considered when determining if disproportionately high and adverse human health or environmental impacts exist:

- Whether a high or substantial impact exists which adversely affects an EJ population;
 - Whether effects on EJ populations exceed those borne by non-EJ populations;
 - Whether cumulative or indirect effects would adversely affect an EJ population;
 - Whether mitigation and enhancement measures will be taken; and
 - Whether there are off-setting benefits to EJ populations.
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Public Transportation Decisions Include:

- Service cuts, changes, or restructuring
 - Building a new rail line or extending an existing rail line
 - Establishing a multi-modal transfer station;
 - Increasing fares
 - Building a new park and ride facility
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Tell us what you think about the proposed EJ Circular. For information on how to submit comments, please go to www.fta.dot.gov/FTAINformationSessions. Comments must be received by December 2, 2011.